

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROOT, INC., *et al.*,

Plaintiffs, :

v.

**Case No. 2:23-cv-512
Judge Sarah D. Morrison
Magistrate Judge Chelsey M.
Vascura**

BRINSON CALEB “B.C.”

SILVER, *et al.*, :

Defendants.

OMNIBUS ORDER

The parties were called to appear before the Court for a status conference on February 14, 2024. This Order memorializes certain discussions and decisions made during the conference.

I. PROTECTION OF DISCOVERY

The Receiver provided Root with a hard-drive containing the contents of Mr. Silver’s iPhones and laptop. Root believes that certain information contained on that hard-drive would be discoverable, but confidential under the existing Stipulated Protective Order. (SPO, ECF No. 69.) Root sought the Court’s guidance on how to treat that information, and whether it could be shared with Ms. McDaniel or Mr. Silver. The Court issued the following Orders:

- The hard-drive shall be subject to the SPO without having to be specifically designated as such.
- The Receiver shall provide IT support to Root and Quantasy to the extent necessary for those parties to access the information on the hard-drive.

- Confidential discovery shall not be shared with Ms. McDaniel unless and until she agrees to abide by the SPO.¹
- Confidential discovery shall not be shared with Mr. Silver so long as he is in pretrial detention.² When he is transferred to the custody of the Bureau of Prisons, Mr. Silver may apply to the Court for permissions to review such discovery.

II. QUANTASY COUNTERCLAIMS

On January 31, 2024, Quantasy filed its Answer, Crossclaim (against Mr. Silver), and Counterclaim (against Root). (ECF No. 233.) During the status conference, Root made an oral motion for an extension of the time to respond. Following some discussion, the Court **GRANTED in part** and **DENIED in part** the oral motion.

The deadline for Root to respond to Quantasy's Counterclaim is **STAYED** until April 15, 2024. Within thirty days, Quantasy and Root are **ORDERED** to exchange a settlement demand and response and either (i) identify a mutually-agreeable mediator and schedule mediation; or (ii) notify the Court that the case is not ready to proceed to mediation. Quantasy's insurer Tokyo Marine is **ORDERED** to participate in that process.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE

¹ Ms. McDaniel was not represented by counsel at the time the SPO was entered. Counsel has since entered an appearance on her behalf (ECF No. 27), but has not yet agreed to abide by the SPO.

² Mr. Silver signed the SPO through then-appearing counsel, Brennan Manna & Diamond, LLC. Because that attorney-client relationship was short-lived, and he now proceeds *pro se*, the Court doubts whether Mr. Silver's accession to the SPO's terms in April 2023 remains valid.